

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CLARETHA ROSS,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Warden TOM CHAPMAN, <i>et al.</i> ,	:	NO. 5:10-cv-74 (CAR)
	:	
Defendants	:	<u>ORDER</u>
	:	

In this action, plaintiff **CLARETHA ROSS** seeks to remove under 28 U.S.C. § 1443 the case of *Claretha Ross v. Tom Chapman and Gwen Watkins*, case number 2008-12304, from the Superior Court of Pulaski County. It appears plaintiff is suing Chapman and Watkins for alleged violations of her civil rights.

Plaintiff's request for removal must be denied. Under 28 U.S.C. § 1443, only a defendant may remove a civil rights case from state court to federal court. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 104-105 (1941). "The purpose of restricting the right of removal to a defendant is to restrict removal to the party who had no choice in selection of the forum." *Williams v. McQuaig*, 2009 WL 1517752 (S.D. Ga. May 29, 2009).

Under 28 U.S.C. § 1446(c)(4), "[i]f it clearly appears on the face of the notice ... that removal should not be permitted, the court shall make an order for summary remand." Because plaintiff is not a defendant in the state action, she may not remove that action to this Court. Accordingly, plaintiff's petition for removal is hereby **DISMISSED** and this case is **REMANDED** to the Superior Court of Pulaski County.

SO ORDERED, this 4th day of March, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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